



M O N T A N A
COALITION AGAINST
DOMESTIC AND SEXUAL
V I O L E N C E

February 11th, 2009

To: Senate Judiciary Committee
From: Kelsen Young, Executive Director
Re: SB 46 – Protection of unborn life as compelling state interest

SB 46
SENATE JUDICIARY
EXHIBIT NO. 26
DATE 2/11/09
BILL NO. SB46

Good morning, Mr. Chairman and Members of the Senate Judiciary Committee. For the record, my name is Kelsen Young and I am the Executive Director of the Montana Coalition Against Domestic and Sexual Violence. We are a statewide membership organization representing direct service programs from across the state that provide services to victims of domestic and sexual violence. We rise in opposition to Senate Bill 46 sponsored by Senator McGee.

Because we represent the interests of victims of domestic and sexual violence, my testimony this morning will be focused on the negative impacts from this legislation for victims regarding their ability to make reproductive choices and have personal autonomy.

SB 46 would make pregnant women second class citizens. And in reality, even women who are not pregnant, but are at risk of sexual violence, are in essence made to be second class citizens due to the restrictions this legislation would have on any women's right to utilize contraceptive measures when necessary. Statistics show that 1 out of every 6 women will be the victim of rape or attempted rape in their lifetime.

Our gravest concern about this proposed legislation is the impact on victims of rape or incest. Imagine a woman brutally raped and now impregnated by her attacker. Should she not have access to emergency contraceptive measures? Should she be forced by the State to continue the pregnancy? If she is forced to continue the pregnancy and have the baby, will her attacker be able to assert his parental rights? A woman who is raped; a young girl who is molested by her male family member; a woman who has been forced to become pregnant by her abusive partner - are these scenarios in which the State wants to further traumatize and penalize these women for the violence that has been inflicted on them?

Our organization is adamant about women having the right to have options – to live lives free of violence, power, and control. Victims of domestic and sexual violence often have experienced serious situations and feelings of being powerless – and through this legislation the State will now become yet another entity trying to control a woman's decision making and right to be autonomous.

What if a woman is seen as being negligent for being in an abusive situation while pregnant? It is chilling to think of the many possibilities this legislation would allow for...to think that women will be punished for their abusers actions, simply because they are pregnant and that by being pregnant their private actions are of interest to the State. In addition the potential custody actions that could ensue as a result of this intrusion are very concerning.

I strongly urge you to oppose this legislation and protect women's autonomy and right to make often difficult reproductive choices. Thank you for your time.

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